

Jury duty provided lawyer new view of justice system

By ANDREA HOWE
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PRINCETON—There really weren't many other hats John Hicks could have worn to court last week.

Over the past 40 years, the Princeton attorney has been a high school physics teacher, a military police officer, a deputy prosecutor, a Gibson County Court judge and a local criminal defense attorney.

And for three days last week, he rounded out his resume with experience as a juror.

Hicks was a part of the 10-man, two-woman panel which became so entrenched that it returned to Gibson Circuit Court Thursday unable to reach a decision in the felony battery trial of James Frederickson, 52, Oakland City.

Last week's trial charged jurors with sifting through testimony to decide whether

Frederickson beat his sister, Diana K. Hill, or whether the injuries were inflicted in self defense trying to ward off Hill's kicks while he was driving her car on Hight Chapel Road Feb. 12.

Hicks could have been excused from reporting for jury duty. By statute, citizens over age 65 aren't required to serve. It was the first time in four decades that he's ever been called to serve on a jury.

"I was joking Thursday night that there was only one job I haven't had. I haven't been a court reporter," he said Friday morning.

"I think it's something like fewer than one in a thousand lawyers ever has a jury trial. Most don't even go to court," said Hicks. "So when you think about it, other than the fact that this case was such an emotional issue, it was quite

an opportunity.”

“I thought it was my civic duty. Besides, when you eliminate age groups from serving, you start excluding classes of people that count in a jury of peers,” Hicks explained Friday.

“And it was a unique opportunity for me to see how a jury works. I’ve probably had 100 jury trials as a judge, a prosecutor and a defense attorney. Attorneys always have questions about what happens in the jury room.

“This trial was particularly difficult because it involved so many emotions,” Hicks said.

“The family was torn apart by this. Whether it was a guilty verdict or a not guilty verdict or no verdict, somebody was going to be awfully upset,” he reflected. “It was a very difficult case...Sitting in judgment of someone is not easy, much less when your training is as an advocate, and suddenly you’re thrust in the middle and you feel for both sides.

“But I learned a few things as a juror. I learned how conscientious jury members real-

ly are. They pay attention. They pick up a lot of things. A couple of things I missed, but they were pointed out to me because everybody was paying attention from so many different perspectives. They really did care, and took the responsibility very seriously.

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John Hicks

attorney and recent juror

“This case was harder because of all the emotions among the family members who testified,” said Hicks. It was a much more difficult case than a bank robbery. “In this case, you hate to see a woman suffer and you hate to see a brother convicted when it might have been the only action he could take. It’s unfortunate for everyone involved.”

Seeing a trial from the jury box rather than the defense or

prosecution table, or the bench, gave him some valuable insight, he said.

"I was able to critique the lawyers and talk to them about the things I saw that were good and bad from the jury's perspective," he said.

Judge Walter Palmer, too. "They were very impressed with the judge."

"Both judges (Palmer and Superior Court Judge Earl Penrod) are good at what they do. They see to it that a trial is done professionally and they don't stand for antics. We're lucky to have the quality judges that we have."

Hicks said he was most impressed with one witness, who spent a relatively short time in the witness seat. "I personally was impressed with (Princeton Police Sgt.) J.D. Clark. He was as good a witness as you would ever want to find for the state. If the dense lawyer asked him a question, his manner was simple honesty. He didn't try to add anything to his answers. He just had such credibility.

"He made statements that

were so simple and honest that they were more powerful."

Hicks said on one jury break he asked a deputy in charge of keeping the jury together out of court whether police ever get witness training for trial. "He said he didn't know of any training. I think it would be good if the prosecutor could get a grand to make a video which would instruct police officers, help them be better witnesses."

Jurors bring their life experience with them to the courtroom. "I was kind of amazed by the thinking process involved. Some of the people focused on things I didn't pick up on at all."

"Some of them focused upon the endangerment to all of the people in the car.

"Others focused on the amount of force that was appropriate for the circumstances, and one juror just felt it was in appropriate under any circumstance for a man to hit a woman," Hicks reflected.

He said he thinks his experience as a lawyer helped

explain some questions jurors had. "I think the other jurors appreciated having someone who could explain those things to them. I found it interesting and much more informative about the process jurors go through to reach a decision. All these people had other things they could have been doing, but they paid attention and everyone contributed in the deliberations."

After some point in last week's deliberation, jurors were fixed in their positions. "They all really tried," he said.

"We just reached a point where we were split and we said, 'Let's not waste any more time and put these people through the agony of continuing to wait when we can't make a decision.'"

"I'm glad I did it, although I don't want to do it again — oh, I suppose if I got called in again, I wouldn't try to get out of another jury trial."